IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(C).No. 11764 of 2006(A)

PETITIONER:

RANI, D/O.POULOSE NADAR, AGED 37 YEARS,
RAJEEV BHAVAN, MINI NAGAR, KATTAKKODE,
PERIMKULAM VILLAGE, NEDUMANGADU,
THIRUVANANTHAPURAM.

BY ADV. SMT.SREEDEVI KYLASANATH,
SMT.S.PREETHA.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY, HOUSING DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**
2. **KERALA STATE HOUSING BOARD, REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.**
3. **THE ACCOUNTS OFFICER, KERALA STATE HOUSING BOARD, NEDUMANGADU BRANCH, NEDUMANGADU.**
4. **DY. TAHSILDAR (R.R), NEDUMANGADU.**
5. **C. RAVI, S/O.CHALLAYYAN NADAR, THENGUVILA KADAYARA PUTHEN VEEDU, PAROORKUZHI, PALLICHAL, VEDIVACHANKOVIL P.O.**

BY ADV. SRI. A. JAYASANKAR, SC, KSHB,
GOVT. PLEADER SMT. N. SUDHADEVI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.11764/2006:

APPENDIX

EXT.P.1: COPY OF THE REVENUE RECOVERY PROCEEDINGS NO. NDD/4/HIG 93, DTD. 14/02/02 ISSUED BY R.3.

EXT.P.2: COPY OF THE REPRESENTATION DTD. 05/06/02 SUBMITTED BY PETITIONER TO R.4.

EXT.P.3: COPY OF THE REPRESENTATION DTD. 10/06/02 SUBMITTED TO CHAIRMAN, KSHB.

EXT.P.4: COPY OF THE PETITION DTD. 16/09/04 FILED BY PETITIONER BEFORE DISTRICT COLLECTOR.

EXT.P.5 (A) P.5 (B) P5 (C): COPIES OF REPRESENTATION DTD. 30/01/06 SUBMITTED BY THE PETITIONER BEFORE VARIOUS AUTHORITIES.

EXT.P.6: COPY OF THE REPRESENTATION DTD. 02/02/2006 SUBMITTED BEFORE MANAGING DIRECTOR, KSHB.

EXT.P.7: COPY OF THE INTIMATION DTD. 08/02/06 FROM THE OFFICE OF REVENUE MINISTER.

EXT.P.8: COPY OF THE ORDER NO. LRC 1/2673/06 DTD. 22/02/06 OF DY. SECRETARY (RECOVERY) KSHB ISSUED TO PETITIONER.

EXT.P.9: COPY OF THE REPRESENTATION DTD. 31/03/2006 SUBMITTED BY THE PETITIONER BEFORE THE R.1.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 11764 OF 2006-A

JUDGMENT

The petitioner is a co-obligant for a loan availed of from the Housing Board by the 5th respondent, who is her husband. It appears there is some dispute between them and some cases are pending before the Family Court. This Writ Petition is filed, mainly, praying for a direction to the Housing Board to allow her to close the loan account under the one-time settlement scheme.

2. The learned standing counsel for the Housing Board submitted that earlier, the facility to close the loan account under the OTS scheme was extended to the petitioner by Ext.P8 communication. But, she did not avail of the same. It is also pointed out that the present petition Ext.P9 is not before the Housing Board and therefore, it cannot be considered. The learned counsel for the petitioner pointed out that the petitioner has already paid Rs. One lakh pursuant to the interim order of this Court and thereafter, she has paid Rs.40,000/-, as per the direction of this Court.

3. In view of the earnestness shown by the petitioner in remitting the amount, the 2nd respondent is directed to extend the OTS facility to her. If

the petitioner submits a representation before the 2nd respondent along with a copy of this judgment before 31.3.2007, the Board will consider and pass orders on it in accordance with law and inform her the conditions subject to which the loan account could be closed under the OTS scheme. If the representation is filed as directed above before 31.3.2007, further coercive steps will be taken, if only the petitioner fails to comply with the OTS conditions. It is clarified that the directions issued will not affect the right of the 5th respondent, if any, in the property.

The Writ Petition is disposed of as above.

9th March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/